

S. No.222

2023:PHHC:162855

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59107 of 2023

Date of Decision:19.12.2023

Sukhpreet Singh @ Sukha

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. N.S. Dandiwal, Advocate for the petitioner.

Mr. Har Kanwar Jeet Singh, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shir Manjit Singh, PPS, Deputy Superintendent of Police, Sub Division, Nihal Singh Wala, District Moga, has been filed on behalf of respondent- State, along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.79 dated 18.08.2023 registered under Section 22 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act (for short, 'the NDPS Act') (Section 29 of the NDPS Act added later on) at Police Station Badhni Kalan, District Moga.

As per prosecution case, co-accused Sukhdev Singh @ Sukha was apprehended with 30 loose intoxicant tablets out of which 10 tablets were having the salt of *Tramadol Hydrochloride* weighing 2.25 grams; and 20 tablets were having the salt of *Etizolam* having weight of 4.10 grams. In his disclosure statement, said Sukhdev Singh nominated the petitioner to be the supplier.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; and that the petitioner has never been involved in any such case under the NDPS Act; that the petitioner is in custody for the last more

than three months and that the disclosure statement suffered by co-accused Sukhdev Singh qua the petitioner is not admissible in evidence.

In the status report filed on behalf of the respondent- State, it is conceded by learned State Counsel that no recovery has been effected from the petitioner. Custody certificate reveals that the petitioner is in custody for the last 03 months and 26 days and he has no criminal antecedents.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

December 19, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No